

JURISDICTION:

WEST VIRGINIA

General Reference:

This chapter summarizes West Virginia State statutes related to speed.
West Virginia Code and West Virginia Code of State Rules (CSR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person may drive a vehicle at speed greater than is reasonable and prudent under the existing conditions and the actual and potential hazards. §17C-6-1(a)

Statutory Speed Limit:
See Other below.

55 MPH on open country highways, controlled-access highways and interstate highways §17C-6-1(b)(3) & (d) Note: The law provides, that for controlled-access and interstate highways, the speed limit "shall be not be less than" 55 MPH. §17C-6-1(d)
25 MPH in a business or residential district §17C-6-1(b)(2)
15 MPH in a school zone¹ §17C-6-1(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the Commissioner of Highways² may increase or decrease the above speed limits on any interstate or State highway. §17C-6-2 Note: West Virginia law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
Legislative Request. The West Virginia Legislature has requested (1) that the speed limits on all interstate highways be increased to 70 MPH and (2) that the speed limits on all State four-lane highways be increased to 65 MPH. House Concurrent Resolution 21 adopted in 1997
II. Based on engineering and traffic investigations, a local government may decrease the above speed limits at intersections.³ §§17C-2-8(a)(5) & (a)(10) and 17C-6-3(a)
III. Local governments may increase the above 25 MPH speed limit on highways within a business or residential district.³ However, no speed limit shall be >55 MPH. §17C-6-3(b)
VI. Based on engineering and traffic investigations, a local government may decrease the above 55 MPH speed limit on open country highways outside a business or residential district.³ However, no limit shall be <35 MPH. §17C-6-3(c)
V. A local government may decrease the 25 MPH speed limit in a residential district.² §17C-6-3(d)
VI. Based upon an investigation, the Commissioner of Highways² may establish safe maximum speed limits for bridges or elevated structures. §17C-6-5(b) & (c)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §17C-6-3a(a)

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit: (continued)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §17C-7-1(b)

¹This speed limit is in effect "during school recess or while children are going to or leaving school during opening or closing hours." §17C-6-1(b)(1)

²The State Commissioner of Highways was, formally, the State Road Commissioner. §17-2A-1

³If the speed alteration by a local government applies to a State highway or an extension thereof, such alteration must be approved by the Commissioner of Highways. §17C-6-3(e)

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Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the “commissioner”⁴ or a local government may establish minimum speed limits for the highways under their jurisdiction. §17C-6-3a(b)

Other:

I. The following speed limits apply to vehicles that are not designed to carry passengers and are equipped with pneumatic tires: 40 MPH on a county road, 25 MPH in a residential district and 20 MPH in a business district.⁵ §17C-6-4

II. A vehicle, that is not equipped with pneumatic tires, cannot be driven >10 MPH. §17C-6-5(a)

III. Speed limits must be posted for “construction zones.” §17C-3-4b(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. §§17C-6-1(e) & (f), 17C-3-4b, 17C-6-3a(c), 17C-6-5(e), 17C-6-4 and 17C-18-1(a)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

Basic Speed Rule Violation or Exceeding Speed Limit: 1st offense-None 2nd offense (within 1 year)-**None** 3rd or subsequent offense (within 2 years)-**None** Exception: 3rd or subsequent offense (within 2 years) where the offender exceed the speed limit by ≥15 MPH-Not more than **6 months** §17C-6-1(e)

Speeding <10 MPH Over the Speed Limit on a Controlled-Access or Interstate Highway: **None**

Speeding in a School Zone: **None** Exception: Exceeding the Speed Limit ≥15 MPH when one or more children are in the school zone-Not more than **6 months** §17C-6-1(f)

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

⁴Given that §17C-6-3a(b) concerns the establishment of speed limits, the term “commissioner,” which is not identified in this section, probably refers to the Commissioner of Highways and not to the Commissioner of Motor Vehicles. Note: Normally, the term “commissioner” in Chapter 17C would refer to the Commissioner of Motor Vehicles. However, this State official is not usually responsible for establishing speed limits. At the Such level, the authority to establish such limits most often rests with the State Commissioner of Highways. §§17-2A-1, 17C-1-1 & 17C-1-27

⁵Trucks weighing ≤8,000 lbs. may be driven at the same speed as passenger cars. §17C-6-4

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.): (continued)

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Mandatory Min. Fine (\$):

Other Penalties:

Traffic School:

Other:

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Other: (continued)

Licensing Action:

Speeding in a Construction Zone: ≥15 MPH Over the Speed Limit-Not more than **20 days** §17C-3-4b(c)

Violation of (1) the Minimum Speed Rule, (2) the Posted Minimum Speed Limit, (3) the Speed Limit for Vehicles with Pneumatic Tires & (4) Speed Limit Established for a Bridge or Elevated Structure: None All Other Speed Law Violations:⁶ 1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **20 days** Subsequent offense-Not more than **6 months** §§17C-6-4 & 17C-18-1(b)
None

Basic Speed Rule Violation or Exceeding Speed Limit: 1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** 3rd or subsequent offense (within 2 years)-Not more than **\$500** §17C-6-1(e)

Speeding <10 MPH Over the Speed Limit on a Controlled-Access or Interstate Highway: Not more than **\$5** plus court costs §17C-6-1(g)(¶1)

Note: This provision does not apply to persons who have been issued a Commercial Driver's License and who were operating a Commercial Motor Vehicle at the time of the offense. See the last sentence under §17C-6-1(g)(¶2).

Speeding in School Zone: **\$100 to \$500** §17C-6-1(f)

Speeding in a Construction Zone: Not more than **\$200** §17C-3-4b(b) & (c)

Violation of (1) the Minimum Speed Rule, (2) the Posted Minimum Speed Limit, (3) the Speed Limit for Vehicles with Pneumatic Tires & (4) Speed Limit Established for a Bridge or Elevated Structure: 1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** 3rd or subsequent offense (within 2 years)-Not more than **\$500** §§17C-6-3a(c) & 17C-6-5(e)

All Other Speed Law Violations:⁶ 1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** Subsequent offense-Not more than **\$500**. §17C-18-1(b)

None

If an offender successfully completes a Driver Improvement Program, they may have points deducted from their driving record. CSR §91-5-8

Alternative Sentences. In lieu of either a fine or incarceration sanction (except mandatory incarceration via statute), a court may impose one of the following sentences: Either (1) a weekend jail program where the offender spends weekends or "other days normally off from work" in confinement; (2) first one or two days in confinement followed by work assignments either within the jail or on other public works projects outside of the jail; or, (3) a community service program with either

government entities, charitable or other non-profit organizations which have been approved by the court. §62-11A-1a(a) & (c)(1)

⁶These offenses include violations of §§17C-6-4 and 17C-7-1(b).

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Type of Licensing Action
(Susp/Rev):

Suspension Based on Frequent Violation of the Traffic Laws⁷ §17B-3-6(a)(3) & (4) Note: No abstract of a conviction, for exceeding the speed limit by <10 MPH on either a controlled-access or interstate highway, is transmitted to the licensing agency. §17C-6-1(g)(¶2) & (h) This provision does not apply to persons who have been issued a Commercial Driver's License and who were operating a Commercial Motor Vehicle at the time of the offense. See the last sentence under both §17C-6-1(g)(¶2) & (h).

Term of License Withdrawal
(Days, Months, Years, etc.):
Mandatory Minimum Term of
Withdrawal:

Not more than **1 year** §17B-3-8

None License action is discretionary. §17B-3-6(a)

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:
Sanctions:
Criminal Sanction:
Imprisonment (Term):

Misdemeanor §17C-6-8(a) & (b)

Mandatory Minimum Term:
Fine (\$ Range):

1st offense-None 2nd offense-6 to 60 days Subsequent offense-60 days to 4 months §17C-6-8(b)

None

1st offense-\$50 to \$100 2nd offense-\$50 to \$500 Subsequent offense-\$100 to \$1,000 §17C-6-8(b)

None

Mandatory Minimum Fine:

Administrative Licensing Action:
Licensing Authorized and
Type of Action:
Length of Term of
Licensing Withdrawal:

Revocation §17C-6-8(c)

1st offense-6 months 2nd offense (within 2 years)-2 years Subsequent offense (within 5 years)-5 years §17C-6-8(c)

Mandatory Action--Minimum
Length of License
Withdrawal:

1st offense-6 months 2nd offense (within 2 years)-2 years Subsequent

Other Criminal Actions Related to Speeding: (continued)

⁷**Point System.** The licensing agency has established the following point system to assist it identifying offenders who may be subject to licensing action because of frequent violations of the traffic laws. I. When an offender has accumulated 12 points, they may be subject to either a warning letter, probation for not more than 1 year or license suspension for not more than 1 year. CSR §91-5-7 II. The following points have been assigned to speeding or speed related violations: Reckless driving-6 points; speeding in a school zone-6 points; speeding >75 MPH on highways with a speed limit <65 MPH-6 points; speeding >80 MPH on highways with a speed limit of 65 MPH-6 points; driving too fast for conditions-3 points; speeding in excess of the speed limit where speed was <75 MPH-3 points; and, all other moving violations-2 points. Title 91 CSR, Table 91-5

Racing on the Highway: (continued)

offense (within 5 years)-**5 years** §17C-6-8(c) These revocation periods appear to be mandatory.

Other:

See **Alternative Sentences** on p. 277.

Reckless Driving:

Misdemeanor §§17C-5-3(a) & 17C-18-1(a)

Sanction:

Criminal:

Imprisonment (Term):

1st offense-**5 to 90 days** Subsequent offense-**10 days to 6 months** §17C-5-3(c)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

1st offense-**\$25 to \$500** Subsequent offense-**\$50 to \$1,000** §17C-5-3(c)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension Based on Frequent Violation of the Traffic Laws⁷ §17B-3-6(a)(3) & (4) **Revocation**-3 reckless driving convictions within 24 months §17B-3-5(5)

Length of Term of License

Withdrawal Action:

Suspension-Not more than **1 year** §17B-3-8 Revocation-**1 year** §17B-1-1(q)

Mandatory Term of License

Withdrawal Action:

Suspension-**None** License action is discretionary. §17B-3-6(a)
Revocation-**1 year** §17B-1-1(q)

Other:

If an offender successfully completes a Driver Improvement Program, they may have points deducted from their driving record. CSR §91-5-8
See **Alternative Sentences** on p. 277.

Commercial Motor Vehicle (CMV) Operators⁸:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §17E-1-13(e)

Commercial Motor Vehicle (CMV) Operators:
(continued)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §17E-1-3 & 49 CFR §383.5

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §17E-1-3

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Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §17E-1-13(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §17E-1-13(e)